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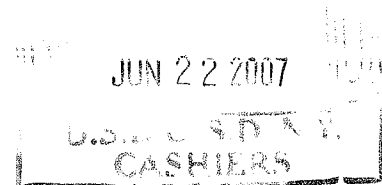
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07 CV 5971

JUDGE SWAIN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



Parastoo Bahrami, M.D.,

Petitioner/Plaintiff

v.

ANDREA QUARANTILLO, District
Director, United States Bureau of
Citizenship and Immigration
Services;

EMILIO T. GONZALEZ, Director,
Bureau of Citizenship and
Immigration Services;

MICHAEL CHERTOFF, Secretary,
Department of Homeland Security,

Respondents/Defendants

Civil Action No.

COMPLAINT FOR WRIT OF MANDAMUS

INTRODUCTION

1. This action is brought by the Plaintiff, Dr. Parastoo Bahrami, to compel the Defendants to adjudicate her application for naturalization. The application was filed with the United States Bureau of Citizenship and Immigration Services (the “USCIS”) on March 19, 2005. The Plaintiff was fingerprinted in connection with this application on May 3, 2005. A naturalization interview was scheduled to take place on November 16, 2005 at 11:40 a.m. However, on October 31, 2005, the USCIS notified the Plaintiff that the interview was cancelled due to “unforeseen circumstances”. The Defendants have provided no further information about this matter in spite of several attempts by the Plaintiff to obtain information. The Defendants have refused to complete the case and have provided no legitimate explanation for this delay of almost 2 years. The Plaintiff suspects that this delay is related to fingerprinting and background checks that must be completed as part of the naturalization process.

2. The Defendants have been negligent in performing their duties regarding Dr. Bahrami’s application for naturalization, especially in coordinating their respective roles in the naturalization process. This negligence may also be causing additional interference in Dr. Bahrami’s life in the form of additional security inspections that she has been subjected to during recent air travel. This negligence is a substantial deprivation of the Plaintiff’s rights in the naturalization process and to due process and a gross dereliction of duty generally.

PARTIES

3. The Plaintiff, Parastoo Bahrami, M.D., is a citizen of Iran who has been a

lawful permanent resident of the United States of America since June 14, 2002. She resides with her husband and child in New York, New York. She is also medical doctor employed by the U.S. Department of Veterans Affairs since June 27, 2005 and as such has successfully undergone official U.S. background checks.

4. The Defendants are officers of the USCIS, an agency within the U. S. Department of Homeland Security, or officers of other U.S. Governmental Agencies who are charged by law with the obligation of adjudicating applications by aliens lawfully admitted for permanent residence—such as Plaintiff—for naturalization as United States citizens.

JURISDICTION

5. This is a civil action brought pursuant to 28 USC secs. 1331 and 1361 to redress the deprivation of rights, privileges and immunities secured to Plaintiffs, by which jurisdiction is conferred, to compel Defendant and those working under him to perform duties he owes to the Plaintiffs.

6. Jurisdiction is also conferred by 5 USC sec. 704. Plaintiff is aggrieved by adverse agency action in this case, as the Administrative Procedures Act requires in order to confer jurisdiction on the District Courts. 5 USC secs. 702 *et seq.*

7. The aid of the Court is invoked under 28 USC secs. 2201 and 2202, authorizing a declaratory judgment.

8. Costs and attorneys fees will be sought pursuant to the Equal Access to Justice Act, 5 USC sec. 504, and 28 USC 2412(d), *et seq.*

VENUE

9. Venue is proper in the Southern District of New York since the Plaintiff

resides in New York, New York, and Defendant District Director has her principal place of business there.

REMEDY SOUGHT

10. Plaintiff seeks to have the Court compel the District Director of the USCIS to adjudicate the N-400 application for naturalization which the Plaintiff filed with the Defendant on March 19, 2005.

CAUSE OF ACTION

11. Although the Defendant has acknowledged that the naturalization case is filed and pending with her office, and although she has been requested on numerous occasions to proceed with the case and complete it, she has continuously failed and refused to do so.

12. There is no reason that Plaintiff is disqualified for naturalization. Even though the District Director may wish to investigate the case, there is no reason for the investigation to take this long.

13. Plaintiff asserts that the Defendant has no legal basis for failing to proceed with the case.

14. Plaintiff has no administrative remedies. There are no administrative remedies provided for neglect of duty.

15. Furthermore, the District Director, by failing to adjudicate the application, is denying the Plaintiff the right to have the denial reviewed by this court.

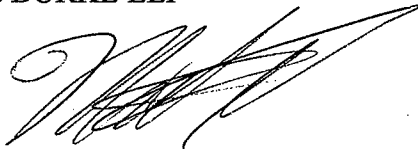
16. Mandamus is appropriate because there is no other remedy at law. But Plaintiffs seek to compel a decision to be made, in terms of both mandamus and in terms of the Administrative Procedures Act for administrative action wrongfully withheld.

PRAYER

Wherefore, Plaintiff prays that the Court compel the District Director of the USCIS in New York, New York to perform her duty to rule upon the N-400 application for naturalization filed by the Plaintiff, grant such other relief as may be proper under the circumstances, and grant attorneys fees and costs of court. Plaintiff further prays that if the decision is adverse to her, that the decision include justification and an explanation to preclude the sense of retaliation for having brought this lawsuit or for having exposed the District Director's negligence to the senior officers of the district, region and central offices of the USCIS.

Respectfully submitted,

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